

FOOD NUTRITION AND CONSUMER SERVICES

FY 2005 Annual FOIA Report

SECTION I. BASIC INFORMATION

The FOIA (5 U.S.C. 552) was enacted in 1966 and provides that any person has the right to request access to Federal agency records or information, except to the extent that such records are protected from release by a FOIA exemption or exclusion. It is FNS policy to release information to the fullest extent of the law.

In 1996 amendments to the FOIA (E-FOIA) mandate that agency responses to popular requests and other materials routinely available to the public be made available to the public electronically. To this end we have established the FNS Electronic Reading Room to assist the public in obtaining information electronically which is located on the FNS Website at www.fns.usda.gov

II. HOW TO MAKE A FOIA REQUEST

Prepare your written, fax, or electronic request as detailed as possible. Provide dates, locations, and occurrences that will assist the staff in finding the requested records or information.

Send your signed, written request to: USDA, Food and Nutrition Service
Attn: Sara Bradshaw, FOIA Officer
3101 Park Center Drive, Room 322
Alexandria, VA 22302-1500

Send your signed, FAX request to: USDA, Food and Nutrition Service
Attn: Sara Bradshaw, FOIA Officer
FAX #: (703) 605-0793

Send your Internet (e-mail) request to: Sara.Bradshaw@fns.usda.gov

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year:

1. Brief description of type(s) of information withheld under each statute.
 - a. Store records containing only store application forms, documents supporting requests for application, and printouts documenting authorization in our computer system.
 - b. Store records pertaining to gross sales, food sales, and food stamp redemption amounts of other authorized retail stores.
 - c. Names, addresses, and telephone numbers of food stamp recipients.

- d. Information on the methods used to catch retailers trafficking food stamps.
- e. Section 278.1(q) of the Food Stamp Program Regulations implementation Section 9(c) of the Food Stamp Act of 1977 (7 USC 201(c))

2. Statement of whether a court has upheld the use of each statute. If so cite example.

To date, use of the exemptions noted above have not been challenged in court.

V. Initial FOIA/PA Access Requests

A. Number of Initial Requests: *(include all access requests, whether first party or third party)*
(NOTE: The total of Lines 1 and 2, minus Line 3, should equal Line 4.)

- 1. Number of requests pending at end of FY 04: 3
- 2. Number of requests received during FY 05: 138
- 3. Number of requests processed during FY 05: 137
- 4. Number of requests pending at end of FY 05: 4

B. Disposition of Initial Requests: *(NOTE: The total of Lines 1, 2, 3, and 4 should equal the number of requests processed shown in Line 3 of Part A.)*

- 1. Number of total grants: 65
- 2. Number of partial grants: 49
- 3. Number of denials: 7
- a. Number of times each FOIA exemption used: *(count each exemption once per request)*

- (1) Exemption 1: 0
- (2) Exemption 2: 0
- (3) Exemption 3: 4
- (4) Exemption 4: 5
- (5) Exemption 5: 3
- (6) Exemption 6: 37
- (7) Exemption 7(A): 2
- (8) Exemption 7(B): 21
- (9) Exemption 7(C): 24
- (10) Exemption 7(D): 12
- (11) Exemption 7(E): 8
- (12) Exemption 7(F): 0
- (13) Exemption 8: 0
- (14) Exemption 9: 0

- 4. Other reasons for nondisclosure: (total) 16
- a. No records: 9
- b. Referred elsewhere -(See Note): 4

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c. Request withdrawn:	0
d. Fee-related reason:	2
e. Records not reasonably described:	1
f. Not a proper FOIA request for some reason:	0
g. Not an agency record:	0
h. Duplicate request:	0
i. Other (specify):	0

(Note: Do not count requests referred within your agency in this category, it pertains only to requests that are referred outside of your agency)

VI. APPEALS OF INITIAL DENIALS OF FOIA/PA REQUESTS (includes all access requests, whether first-party or third-party).

A. Number of Appeals:

1. Number of appeals received during FY 05:	11
2. Number of appeals processed during FY 05:	3

B. Disposition of Appeals:

1. Number completely upheld:	2
2. Number partially reversed:	1
3. Number completely reversed:	0

a. Number of times each FOIA exemption used: *(count each exemption once per appeal)*

(1) Exemption 1:	0
(2) Exemption 2:	1
(3) Exemption 3:	2
(4) Exemption 4:	0
(5) Exemption 5:	0
(6) Exemption 6:	2
(7) Exemption 7(A):	0
(8) Exemption 7(B):	0
(9) Exemption 7(C):	3
(10) Exemption 7(D):	1
(11) Exemption 7(E):	3
(12) Exemption 7(F):	1
(13) Exemption 8:	0
(14) Exemption 9:	0

- 4. Other reasons for nondisclosure (total): 1
- a. No records: 1
- b. Referred elsewhere: 0
- c. Request withdrawn: 0
- d. Fee-related reason: 0
- e. Records not reasonably described: 0
- f. Not a proper FOIA request for some reason: 0
- g. Not an agency record: 0
- h. Duplicate request: 0
- i. Other (specify): 0

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS.

A. Median Processing Time For Requests: *(Example for calculation of median: Given 7 requests completed during the fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of perfection to date of completion, the total number of requests completed during the fiscal year would be 7 and the median age of the completed requests would be 65 days.)*

- 1. Simple requests (if multiple tracks used)
 - a. Number of requests processed: 137
 - b. Median number of days to process: 15
- 2. Complex requests (specify for any and all tracks used)
 - a. Number of requests processed: 0
 - b. Median number of days to process: 0
- 3. Requests accorded expedited processing
 - a. Number of requests processed: 0
 - b. Median number of days to process: 0

(NOTE: The number of requests listed in the different tracks must equal the number of requests processed from section A, Line 3.)

B. Status of Pending Requests: *(Agencies using multiple tracks may provide numbers for each track as well as totals.)*

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|---|---|----|
| 1. Number of requests pending at end of FY 05: | 4 | |
| 2. Median number of days requests were pending at end of FY 05: | | 15 |

VIII. COMPARISONS WITH PREVIOUS YEAR(S) (Optional)

E. Describe Agency Efforts To:

1. Improve timeliness:
2. Reduce backlog:
3. Provide training:
4. Add new categories of records:

IX. COSTS/FOIA STAFFING.

A. Staffing Levels:

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| 1. Number of full-time FOIA personnel: | 1 |
| 2. Number of personnel with part-time or occasional FOIA duties (in work-years): | 4.375 |
| 3. Total number of personnel (Work-years): | 5.375 |

B. Total Costs: *(include staff and all resources) (Note: Use +20% for overhead.)*

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| 1. FOIA processing (including appeals): | \$ 98,710.80 |
| 2. Litigation-related activities (estimated): | <u>\$ 12,641.40</u> |
| 3. Total costs: | \$111,325.20 |
| 4. Comparison with previous year(s) (optional) | |

C. Statement of additional resources needed for FOIA compliance (optional).

X. FEES: (includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.)

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| A. Total amount of fees collected for processing requests: | \$980.86 |
| B. Percentage of total costs: | 0.009 |

XI. FOIA REGULATIONS: *(including Fee Schedule):* 7 CFR Part 295